

Dear Senators McGEE, Hammond & Langhorst, and
Representatives Jo An WOOD, Hart & Mary Lou Shepherd:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Idaho Transportation Board:

IDAPA 39.02.60 - Rules Governing License Plate Provisions

(Docket #39-0260-0801);

IDAPA 39.02.07 - Rules Governing Titling of Salvage, Specially Constructed, and

Reconstructed Motor Vehicles (Docket #39-0207-0801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 8-7-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 9-4-08.

_____The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Senate Transportation Subcommittee on Administrative Rules and
House Transportation and Defense Subcommittee on Administrative Rules

FROM: Legislative Services Office staff, Maureen L. Ingram

SUBJECT: Rules of the Idaho Transportation Board

DATE: July 18, 2008

IDAPA 39, Title 02, Chapter 07 - Rules Governing Titling of Salvage, Specially Constructed, and Reconstructed Motor Vehicles

Under Docket Number 39-0207-0801, this action has been submitted as a temporary rule effective July 1, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(b), *Idaho Code*, in "compliance with deadlines in amendments to governing law or federal programs." Authority for promulgation of the rule is derived from Sections 49-201, 49-507 and 49-525, *Idaho Code*.

The provisions of House Bill No. 364, Chapter 84, Laws of 2008, and House Bill No. 365aa, Chapter 198, Laws of 2008, amended laws dealing with the process of obtaining salvage certificates of ownership, issuing branded titles and use of electronic filings. Definitions of "federal motor vehicle safety standards", "replica vehicle", "motorbike" and "motor-driven cycle" were added and the definitions of a motorcycle, motor vehicle and a total loss vehicle were amended. Also, vessels are no longer excluded.

This promulgation implements the provisions of these bills, both of which became effective July 1, 2008, by making the following changes:

1. Removing definitions that are no longer needed and adding new ones.
2. Clarifying that inspections and the \$25.00 inspection fee shall continue for all vehicles except salvage and rebuilt salvage vehicles.
3. Listing and defining vehicles for which a branded title is issued.
4. Providing a definition of what constitutes a branded title and clarifying the branded title process.

The proposed changes to this rule are consistent with current law and are within the statutory authority given to the department.

IDAPA 39, Title 02, Chapter 60 - Rules Governing License Plate Provisions

Under Docket Number 39-0260-0801, this action has been submitted as a temporary rule effective July 1, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(b), *Idaho Code*, in “compliance with deadlines in amendments to governing law or federal programs.” Authority for promulgation of the rule is derived from Section 49-201, *Idaho Code*.

There are three areas of substantive change to this rule:

1. Temporary registrations. A new thirty-day registration may be issued by the counties when the automated system is not available. The conditions and procedures for the issuance are described in useful detail.
2. Personalized plates. Additional restrictions are placed on what is considered acceptable material for public display on a license plate. In addition to the existing restrictions, the message cannot refer to bodily functions, bodily fluids or intimate body parts.
3. Restricted vehicle license plates. In accordance with the provisions of House Bill No. 602aa, Chapter 409, Laws of 2008, the department will issue an “Idaho restricted vehicle” license plate to all-terrain vehicles, utility type vehicles and off-road motorbikes. The plates are valid for seven years, are the same size as a motorcycle plate, and are not valid unless an annual registration sticker issued by the Department of Parks and Recreations is affixed to the plate.

The proposed changes to this rule are consistent with current law and are within the statutory authority given to the department.

cc: Idaho Transportation Department
Linda Emry, Daryl Marler & Tom Fry

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.07 - RULES GOVERNING TITLING OF SALVAGE, SPECIALLY CONSTRUCTED, AND RECONSTRUCTED MOTOR VEHICLES

DOCKET NO. 39-0207-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 49-201, 49-507, and 49-525, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

This rule is being amended to comply with the provisions of House Bills 364 and 365, 2008 legislative session, which change the processes and procedures for the titling of vehicles which have been declared salvage or total loss. Changes provide that disclosure will be required upon sale of a vehicle which had been declared salvage or is branded as rebuilt salvage. This change streamlines the process for titling and eliminates inspections and portions of the rule no longer required, which simplifies the process for branding of such vehicles as "rebuilt salvage." This rule also clarifies and defines what a brand is, and when it shall be used. It eliminates motorcycles, trailers, and vessels as exceptions for the purpose of declaring salvage vehicles, and will require a branded title of rebuilt salvage for these types of vehicles, as well. It provides for a number of definitions and clarifies that assembled and replica vehicles must meet federal safety standards and emission requirements in effect for the model year being titled.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Compliance with House Bills 364 and 365, from the 2008 Legislative Session.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Not applicable.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

NEGOTIATED RULEMAKING: In compliance with IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking is required for compliance with changes to Idaho Code in House Bills 364 and 365, from the 2008 Legislative Session.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Daryl Marler, Dealer Operations Supervisor, 334-8684.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 3rd day of July, 2008.

Linda L. Emry, Administrative Rules Coordinator
Budget, Policy, and Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P.O. Box 7129, Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-332-4107

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0207-0801

**39.02.07 - RULES GOVERNING TITLING OF SALVAGE, SPECIALLY CONSTRUCTED,
REPLICA AND RECONSTRUCTED REBUILT SALVAGE MOTOR VEHICLES**

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 39.02.07 "Rules Governing Titling of Salvage, Specially Constructed, Replica and Reconstructed Rebuilt Salvage Motor Vehicles." (3-30-07)(7-1-08)T

02. Scope. These rules identify requirements for the classification and titling of motor vehicles defined as reconstructed or repaired, rebuilt salvage, or specially constructed, pursuant to Section 49-123(2)(l)(m) ~~and~~ (n) (o) and (p), Idaho Code. (3-30-07)(7-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office for motor vehicle investigations in Boise at 3311 W. State Street with a mailing address of P.O. Box 7129, Boise ID 83707-1129. (3-30-07)

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-30-07)

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8663 or by fax at 208-334-8658. Requests will be directed to the appropriate inspector motor vehicle investigator by location. (3-30-07)(7-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

~~010. DEFINITIONS.~~

~~**01. Major Component Parts.** The six (6) major component parts which are commonly used to reconstruct a motor vehicle shall be defined solely for reconstruction purposes as follows. (For the purpose of determining major component part damage that requires repair or replacement on salvage vehicles, an inspector may disregard minor damage to cosmetic exterior trim and sheet metal body panels that do not affect the structural~~

integrity of the vehicle.)

(3-30-07)

~~**a.** Front/Front End Assembly/Front Clip/Nose Section. An integrated section of body structural component parts located forward of the firewall, i.e. front fender apron, front side member, front suspension cross member, hood lock brace, front cross member, radiator side support (side baffle), radiator upper support, hood and other such parts that may be pertinent to this section and not including a frame section.~~ (1-1-90)

~~**b.** Body/Center Passenger Area. The center structure, either of a unibody or frame type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section. This major component shall not include the top/roof section of the passenger compartment.~~ (11-1-94)

~~**c.** Top/Roof of Passenger Compartment. The top/roof section consisting of sheet metal severing the vehicle joining at the windshield, side and rear window posts, i.e. center pillar upper outer reinforcement, roof side inner rail, roof side outer rail, roof drip channel, roof side inner panel and other such component parts that may be pertinent to this section.~~ (11-1-94)

~~**d.** Rear/Rear Clip. The complete rear sheet metal section and structural components formed by severing the vehicle across the floor behind the rear seat, or at the factory seam separating the center passenger section or through the centerline of the rear wheels, i.e. upper back panel, luggage compartment door hinge arm, quarter wheel house panel, quarter panel, lower back panel, rear valance panel, rear floor pan, rear seat cushion support brace, rear floor side panel, rear deck lid, rear floor no. 1 cross member, and other such component parts that may be pertinent to this section.~~ (11-1-94)

~~**e.** Frame. The heavy metal structure that supports the auto body and other external component parts on body over frame constructed vehicles only. For the purposes of this section, damage that is evident between the centerline of the front wheels and the centerline of the rear wheels will be considered major component damage to the frame. Damage to the ends of the frame, front and rear will be considered as minor damage, easily repaired and not considered as major component damage. The typical bolt on stub frame used on a semi-unitized vehicle will not be considered a separate major component part.~~ (1-1-90)

~~**f.** Cab. The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat.~~ (11-1-94)

~~**02.** Market Value. The market value is the value of the vehicle, prior to the vehicle receiving damage from the incident that caused the vehicle to be declared salvage. This value will be determined by reference to an official used car guide. For purpose of the rule, Known Market Value, Fair Market Value, Retail Market Value, Actual Cash Value, and Market Value are the same and will be referred to as "Market Value."~~ (3-30-07)

~~**03.** Primary Damage. Local damage that occurs at the point of impact on the vehicle.~~ (7-1-90)

~~**04.** Secondary Damage. Damage that occurs due to misplaced energy that causes stresses in suspension and/or body dimensions at areas other than the primary impact zone. If the secondary damage area can be repaired or replaced within a six (6) hour period, as indicated in a recognized collision estimating guide, the damage will not be counted as a section or major component part while inspecting for branding considerations.~~ (7-1-90)

~~**05.** Significant Parts. For the purpose of this rule, the significant parts are all replaced parts that will require a bill of sale or traceable invoice from the former owner identifying the part by vehicle identification number and identifying the seller by name and address. These parts are the front fenders, hood, doors, bumpers, quarter panels, decklid, tailgate or hatchback (whichever is present).~~ (7-1-90)

0140. -- 099. (RESERVED).

100. SPECIALLY CONSTRUCTED VEHICLES.

01. **Specially Constructed Vehicle Examples.** Some examples of specially constructed vehicles are: Custom built vehicles, such as ~~dune buggies~~, kit conversions, homemade camp trailers, ~~and~~ other homemade trailers that exceed two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and effective January 1, 2009, slide-in truck-mounted campers. ~~(1-1-90)(7-1-08)T~~

02. **Engine, ~~Frame, and Running Gear~~ Changes.** A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation. ~~(1-1-90)(7-1-08)T~~

03. **Title Application ~~Instructions~~ Requirements.** ~~(1-1-90)(7-1-08)T~~

a. The applicant must provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The ~~frame~~ body must have a properly released title and a bill of sale from the former owner. The ~~body~~ frame only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. ~~(1-1-90)(7-1-08)T~~

b. The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle. (1-1-90)

c. The make as shown on the certificate of title of a specially constructed vehicle will be identified as SPCN and the certificate of title will be branded "SPECIALLY CONSTRUCTED." (1-1-90)

d. When the vehicle is in operating condition ~~and in compliance with Chapter 9, Title 49, Idaho Code,~~ an inspection by ~~an authorized inspector~~ a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification on a form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the Federal Motor Vehicle Safety Standards in effect for the model year. ~~(1-1-94)(7-1-08)T~~

101. -- 199. (RESERVED).

200. ~~RECONSTRUCTED VEHICLES OR REPAIRED~~ **REBUILT SALVAGE VEHICLES.**

01. **~~Reconstructed or Repaired~~ Rebuilt Salvage Vehicle.** A ~~reconstructed or repaired~~ rebuilt salvage vehicle, as defined by Section 49-123 (2)(1), Idaho Code, is: ~~(3-30-07)(7-1-08)T~~

a. Every "Salvage or Total Loss Vehicle" that has been rebuilt, ~~reconstructed, repaired, or restored~~ in compliance with Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code; or ~~(3-30-07)(7-1-08)T~~

b. Every vehicle that is coming into Idaho from another jurisdiction on a Salvage Certificate or other equivalent document showing evidence of a total loss payoff such as a bill of sale from an insurance company; ~~salvage bill of sale~~ or other documentation indicating that the vehicle may have been ~~severely damaged~~ a salvage or total loss vehicle. These vehicles shall be considered salvage and may not be operated on Idaho highways until rebuilt, ~~reconstructed, repaired, or restored~~ in compliance with Chapter 9, Title 49, Idaho Code, and shall be considered salvage. They shall be issued an Idaho Salvage Certificate ~~and if they are five (5) years old or less, or had a known market value in excess of six thousand dollars (\$6,000) prior to damage, they must be inspected prior to repair.~~ If any vehicle described in Subsection 200.01, of this rule, is received by a "salvage pool;" (as described in Section 49-120(4), Idaho Code), a salvage certificate of title must be issued, prior to sale; ~~or~~ Any vehicle which has been declared junk, pursuant to Sections 49-516 and 49-522, Idaho Code, or is coming from another jurisdiction with

a similar endorsement, or is designated by the owner or the insurance company as parts only, destroyed, or dismantled, may not be rebuilt for on-road use. (3-30-07)(7-1-08)T

~~e. All other vehicles which have been reconstructed by the use of a kit designed to be used to construct an exact replica of a vehicle which was previously constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles including vehicles meeting the definition of a "Street Rod" in 49-120(26), Idaho Code, will receive a "Reconstructed Vehicle" title brand but do not require a "Reconstructed Vehicle" decal. Large trucks rebuilt by the use of a glider kit are not considered to be "Reconstructed Vehicles" under this rule. (11-1-94)~~

~~02. Reconstructed or Repaired Vehicle, Exemptions. Motorcycles, motor homes, trailers, all terrain vehicles and snowmachines are not considered to be reconstructed or repaired vehicles under this rule, regardless of damage, and do not require the issuance of a salvage certificate of title. (11-1-94)~~

~~032. Title Application Instructions For Vehicles More Than Five Years Old and Having a Known Market Value of Six Thousand Dollars or Less, for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles: (3-30-07)(7-1-08)T~~

a. The applicant must provide a written affirmation statement which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged. (3-30-07)(7-1-08)T

b. In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant shall certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification shall be made on a salvage vehicle affidavit statement. (3-30-07)(7-1-08)T

c. In the event that repairs were not necessary to bring the vehicle to operating condition pursuant to Chapter 9, Title 49, Idaho Code, the applicant shall certify this on a salvage vehicle affidavit statement. (3-30-07)(7-1-08)T

d. The applicant must sign an indemnifying affidavit statement agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the affidavit or statement and its attachments are true and correct. (3-30-07)(7-1-08)T

e. The new Idaho title issued will be branded "REBUILT SALVAGE." Such notation will remain on the title and on all subsequent transfers of the title. (7-1-08)T

~~04. Title Application Instructions for Vehicles With an Age of Five Years or Less or Having a Known Market Value in Excess of Six Thousand Dollars. (3-30-07)~~

~~a. The applicant must provide proof of ownership for all significant parts used in the construction. Documentation requirements are as follows: The title or titles to the vehicles that were used in the construction; the frame requires the title properly released by the legal owner; and traceable bills of sale or invoices from new or used parts outlets or bills of sale from previous legal owners for all major component and significant parts, except the frame, are acceptable. (3-30-07)~~

~~b. When the vehicle is in operating condition and in compliance with Chapter 9, Title 49, Idaho Code, the applicant must submit the vehicle for inspection. The inspector will inspect the VIN(s) and determine if the VIN(s) on the vehicle are properly represented by available titles and/or bills of sale. (11-1-94)~~

~~e. The model year and make of the vehicle will be determined in order of priority as follows: Previous primary ownership documents, i.e. certificate of title or salvage certificate to the body; visual identification; or use the frame identification number. (1-1-90)~~

~~d. The inspector shall: Assist in preparing an indemnifying affidavit in conjunction with the possessor~~

~~of the vehicle; And advise the affiant that it is his obligation to insure that the vehicle is maintained in compliance with Chapter 9, Title 49, Idaho Code and that he is agreeing to defend the vehicle in all legal disputes arising out of his possession of the vehicle.~~ (11-1-94)

~~e. The inspector or county assessor's deputy shall assist the applicant in preparing an application for title.~~ (11-1-94)

~~05. Inspection Fee. The inspector will charge a fee of twenty five dollars (\$25) for the inspection and preparation of the documents. If a VIN assignment is made, the fee required by Section 49-202(2)(j), Idaho Code, will also be charged.~~ (3-30-07)

~~06. Idaho Title Branded. The new Idaho title produced will be branded "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE" depending on the severity of the damage. Such notation will remain on the title on all subsequent transfers of the title.~~ (11-1-94)

~~07. Repaired Vehicle Branded. If the vehicle is a "salvage vehicle," as defined by Section 49-123(2)(m), Idaho Code, and the inspector determines that one (1) major component part has damage and requires repair or replacement, a second or final inspection is required for the purpose of attaching a "REPAIRED VEHICLE" decal, verification of ownership of all major components and significant parts and collection of the fee required by Section 49-525(3)(b), Idaho Code. The "REPAIRED VEHICLE" decal shall be attached in the vicinity of the driver's door jamb/"B" post, and must be attached prior to application for title.~~ (3-30-07)

~~08. Reconstructed Vehicle Branded. If the vehicle is a "salvage vehicle," as defined by Section 49-123(2)(m), Idaho Code, and the inspector determines that two (2) or more major component parts are damaged and require repair or replacement, or the vehicle sustained "Flood Damage" as shown in the ownership documentation or insurance adjuster's report, a second or final inspection is required for the purpose of attaching a "RECONSTRUCTED VEHICLE" decal, verification of ownership of all major components and significant parts and collection of the fee required by Section 49-525 3(b), Idaho Code. The "RECONSTRUCTED VEHICLE" decal shall be attached in the vicinity of the driver's door jamb/"B" post, and must be attached prior to application for title.~~ (3-30-07)

~~093. Salvage Vehicle Damaged Out-of-State. If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a "salvage vehicle" as defined by Section 49-123(2)(mn), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer must, upon determining the vehicle to be salvage, notify the purchaser and the department in writing of the salvage status, and that if this vehicle returns to Idaho, the vehicle and the title will be branded "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE," as appropriate "Rebuilt Salvage" or carry another jurisdiction's comparable brand forward. If the vehicle has been repaired prior to major component inspection by an authorized vehicle inspector, the vehicle and the certificate of title shall be marked "RECONSTRUCTED VEHICLE."~~ (3-30-07)(7-1-08)T

~~10. Salvage Vehicle Age Determination. The age of a salvage vehicle shall be determined by subtracting the model year of the vehicle from the year the damaged vehicle was declared salvage, as evidenced by the salvage certificate, salvage bill of sale, or other documentation showing evidence that the vehicle has been declared salvage. A vehicle may not age out of the salvage vehicle process, regardless of the date of inspection or application.~~ (11-1-94)

~~201. SPECIALTY VEHICLE MAJOR COMPONENT CONSIDERATION.~~

~~01. Van Side/Utility/Sport Vehicles. Some vans/utility/sport vehicles have a division of the REAR END SECTION. The right side and the left side with the inner structure will be considered separate major component parts, if factory seam exists. (NOTE: There are generally six (6) major component parts to a van/utility/sport vehicles.)~~ (11-1-94)

~~a. NOSE/FRONT END --- Which is everything forward of the firewall/cowl.~~ (11-1-94)

~~b. BODY/CENTER PASSENGER AREA --- Which is the compartment extending from the firewall back to the rear seat or the factory seam separating the rear sections or the centerline of the rear wheels, and not including~~

~~the roof section.~~ (11-1-94)

~~e. TOP/ROOF OF PASSENGER AREA—The top/roof section consists of sheet metal and structural components covering the passenger area of the vehicle and joining at the windshield, side and rear window post factory connection.~~ (11-1-94)

~~d. RIGHT REAR END—Which is the right side, including the inner structure behind the right door opening back to the right rear door and the right side of the floor pan behind the rear factory seam or the centerline of the rear wheels.~~ (11-1-94)

~~e. LEFT REAR END—Which is the left side, including the inner structure behind the left door, opening back to the left rear door and the left side of the floor pan behind the rear factory seam or the centerline of the rear wheels.~~ (11-1-94)

~~f. FRAME—Treated the same as in a passenger vehicle.~~ (11-1-94)

~~02. Pickup—(NOTE: There are generally three (3) major component parts to a pickup.)~~ (11-1-94)

~~a. NOSE—Which is everything forward of the firewall/cowl.~~ (11-1-94)

~~b. CAB—Which is considered as one separate unit.~~ (11-1-94)

~~e. FRAME—This is treated the same as a passenger vehicle. Anything forward of the front wheel center and anything rearward of the back wheel center is exempt.~~ (11-1-94)

~~d. SPECIAL CONSIDERATION—If the PICKUP has a box/bed that is attached to the cab or body of the vehicle, such as in the El Camino, Subaru Brat, and certain VW Pickups, the rear quarter panels will be treated as rear clips and counted as a separate major component part.~~ (11-1-94)

~~202. MAJOR COMPONENT PARTS CHALLENGE—
Procedure to follow upon receiving a challenge to a major component parts determination.~~ (11-1-94)

~~01. If Applicant Questions Determination. If an applicant wishes to question the salvage vehicle major component parts determination, the person shall send a written request to the Idaho Transportation Department, Division of Motor Vehicles, at the Boise address within thirty (30) days of the determination and prior to beginning to rebuild the vehicle.~~ (7-1-96)

~~02. Appointment of Hearing Officer. The department shall appoint a hearing officer to review the major component parts determination and to make a final determination after receiving testimony from the department and the applicant.~~ (11-1-94)

~~03. Final Determination. The major component parts determination hearing officer shall make the final determination of the major component parts damage, subject to a contested case proceeding.~~ (11-1-94)

~~2031. -- 299. (RESERVED).~~

300. GLIDER KITS.

01. Title Application ~~Instructions~~ Requirements. (1-1-90)(7-1-08)T

a. A Manufacturer's Certificate of Origin (MCO) for the glider kit must be submitted with the application for title. (3-30-07)(7-1-08)T

b. If the applicant dismantles a vehicle presently titled to the applicant and uses the significant parts with the glider kit, a statement of fact will be prepared, identifying the significant parts by identifying numbers. If the significant parts were purchased separately, a bill of sale or invoice from the new or used parts outlet is required. If the major component parts were purchased from a private owner, a bill of sale is required. (1-1-90)

c. If the frame and cab that the parts were stripped from will never be used again, i.e., frame and cab destroyed, not salvageable, the title must be surrendered with the application. If the frame or cab can be used again, the ~~inspector~~ motor vehicle investigator will mark the title “frame only” or “cab only” and note such in the statement of fact. (11-1-94)(7-1-08)T

d. The vehicle must be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, and the federal motor vehicle safety standards in effect for the model year at the time of inspection. (11-1-94)(7-1-08)T

02. Assignment of VIN. The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the ~~inspector~~ motor vehicle investigator will assign a VIN. (11-1-94)(7-1-08)T

03. Model Year. The model year will be the year of the kit, determined by priority in the following order: (7-1-90)

a. Seventeen (17) digit VIN year designator; (11-1-94)

b. Designation of model year shown on an approved Manufacturer Certificate of Origin (MCO); or (3-30-07)(7-1-08)T

c. Written statement from the manufacturer. (11-1-94)

04. Make of Vehicle. The make of the vehicle will be the name of the manufacturer of the glider kit. (1-1-90)

05. Title Branded. The designation “GLIDER KIT VEHICLE” will be branded on the title. (7-1-90)

06. Inspection Fee. The ~~inspector~~ motor vehicle investigator will charge a fee of twenty-five dollars (\$25) for the inspection and preparation of documents. If a VIN assignment is made, the fee required by Section 49-202(2)(i), Idaho Code, will also be charged. (11-1-94)(7-1-08)T

301. STREET ROD VEHICLES.

A street rod vehicle is any pre-1949 manufactured vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be the same as the manufacturer’s original issue. (7-1-08)T

302. REPLICA VEHICLES.

01. Replica Vehicle. A vehicle made to replicate any vehicle previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated, pursuant to Section 49-123 (2) (m), Idaho Code. (7-1-08)T

02. Replica Street Rod. A vehicle made to replicate any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will resemble the same as the manufacturer’s original issue. (7-1-08)T

303. ASSEMBLED VEHICLE.

A vehicle which has been constructed using parts from two (2) or more vehicles and has the same appearance as a vehicle that was manufactured under a specific make and model by a manufacturer. Changes may include frame and/or cab changes. (7-1-08)T

304. TITLE APPLICATION REQUIREMENTS FOR REPLICA AND ASSEMBLED VEHICLES.

01. Applicant Must Provide Proof of Ownership. The applicant must provide proof of ownership for

all significant parts that are used in replicating or assembling the vehicle. The body must have a properly released title and a bill of sale from the previous owner. The frame only may be transferred with a copy of a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are used must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing the seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. (7-1-08)T

02. Model Year for Replica Vehicles. The model year for replica vehicles will be the year that the vehicle replicates. The model year for assembled vehicles will be the model year of the vehicle body. (7-1-08)T

03. Inspection by a Motor Vehicle Investigator. When the vehicle is in operating condition an inspection by a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying statement. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the federal motor vehicle safety and emission standards in effect for the model year and type of vehicle. (7-1-08)T

~~3045~~. -- 399. (RESERVED).

400. BRANDING.

01. Brand Disclosure Definition. A description on a certificate of title, as determined by the department or the equivalent agency of another jurisdiction, which indicates and advises future owners and interested parties: (7-1-08)T

a. The vehicle has or has had a relevant physical condition, modification, construction, alteration or history of use; or (7-1-08)T

b. Past or present ownership of the vehicle could not be clearly established to the satisfaction of the department or the equivalent agency of another jurisdiction. (7-1-08)T

02. Brand Disclosure. (7-1-08)T

a. Upon sale by a dealer of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, shall be conspicuously disclosed to the buyer and a record must be maintained by the dealer. Disclosure may be made on a form as provided by the department for a report of sale. The buyer must sign that they have received disclosure of the vehicle brand. Proof of disclosure must be submitted to the department. (~~3-30-07~~)(7-1-08)T

b. Upon sale by a private party of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, shall be conspicuously disclosed to the buyer. (7-1-08)T

023. Branding Time Frame. Each branded vehicle and branded certificate of title shall retain that brand throughout the existence of the vehicle regardless of its age or value. (1-1-90)

034. Brands Removed. ~~If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title, or if the vehicle had a regular Idaho title showing any brand such as "RECONSTRUCTED VEHICLE," "REPAIRED VEHICLE," "SPECIALLY CONSTRUCTED," "GLIDER KIT VEHICLE," or "JUNK ONLY," and/or a physical "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE" decal and such vehicle returns to Idaho, without any of the aforementioned brands or decals, all inspections and fees will once again be required and the brands and decals will be replaced as required by it will once again be subject to the requirements under Idaho Code and this rule. If any vehicle leaves the state of Idaho with a regular Idaho title showing any brand and such vehicle returns to Idaho without the brand or an equivalent brand from another jurisdiction, the original Idaho brand will be replaced on the new Idaho title.~~ (7-1-96)(7-1-08)T

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.60 - RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rule-making procedures have been initiated. The action is authorized pursuant to Section 49-201, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

This rule is being amended to comply with the provisions of House Bill 602, 2008 Legislative Session, to address the new plate type to be issued to all-terrain vehicles, utility type vehicles, and off-road motorbikes, to be known as an "Idaho Restricted Vehicle," and the process for the new plate type and validation by registration through Parks and Recreation. It also adds the ability to issue a temporary (30-day) registration when the automated system is not available. Clarification is established in the acceptability of personalized plate messages, as well as defining the length of personalized plate messages to include spaces as part of the message.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Compliance with House Bill 602, from the 2008 Legislative Session.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Not applicable.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

NEGOTIATED RULEMAKING: In compliance with IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking is required for compliance with changes to Idaho Code in House Bill 602, from the 2008 Legislative Session.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tom Fry, Registration Program Supervisor, 334-8679.

Anyone may submit written comments regarding the proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 3rd day of July, 2008.

Linda L. Emry, Administrative Rules Coordinator
Budget, Policy, and Intergovernmental Relations
Idaho Transportation Department
3311 West State Street

P O Box 7129
Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-332-4107

THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0260-0801

012. TEMPORARY REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.

01. Temporary Registration. Upon receipt of payment for required registration and program fees, a forty-five (45) day temporary registration may be issued, indicating "license plates on order." This option will be used whenever license plates are required to be manufactured after the registration transaction has been completed. The temporary registration shall provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. At the discretion of the department, more than one (1) forty-five (45) day temporary registration may be issued, if needed, in order to manufacture license plates. (4-2-08)

02. Placement of Temporary Registration Document. The forty-five (45) day temporary registration document shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (4-2-08)

03. Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable. Upon receipt of payment for required registration and program fees, the county may issue a manual temporary registration for thirty (30) days, through use of a temporary form provided by the department, in the event the automated system is unavailable. When the system resumes normal operation, the county office shall enter such registration information, and produce the registration form and validation decals and mail to the registered applicant. The manual temporary registration form shall be displayed in the rear window of the vehicle for which it is issued. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the temporary registration must be conspicuously displayed where the number and expiration date of the permit may be easily read, and where it is protected from exposure to weather conditions, which would render it illegible. (7-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.

Per Section 49-402 (4), Idaho Code, the Idaho Transportation Department shall provide restricted vehicle plates to county offices for issuance to all-terrain vehicles, utility type vehicles, and motorbikes. Per Section 49-443(1), Idaho Code, such plates shall be four inch by seven inch (4" x 7") plates, shall be printed with a combination of letters and numbers as determined by the department, and shall be printed in black on a white reflective background. Plates shall be printed with "Idaho Restricted Vehicle" on the top and no other inscription. The plate shall also have a decal placed in the lower left-hand corner indicating the year it is required to be re-placed. The plate shall not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, being affixed to the lower right-hand corner of the plate. Idaho restricted vehicle plates may not be personalized. (7-1-08)T

~~102.~~ -- 149. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.

01. Special Characters or Marks. No special characters, or punctuation marks, may be used for personalized messages on license plates. (1-3-92)

a. Up to seven (7) letters or any combination of seven (7) letters and numbers and spaces (no half spaces) may be used for personalized messages on eligible six inch by twelve inch (6" x 12") license plates.

~~(4-2-08)~~(7-1-08)T

b. Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on four inch by seven inch (4" x 7") motorcycle plates.

~~(4-2-08)~~(7-1-08)T

c. Up to six (6) letters or any combination of six (6) letters and numbers and spaces (no half spaces) may be used for personalized messages on specialty program license plates.

~~(4-2-08)~~(7-1-08)T

d. Disability six inch by twelve inch (6" x 12") plates will display the international handicapped symbol followed by up to five (5) letters, numbers, and spaces in the personalized message. Disability four inch by seven inch (4" x 7") motorcycle plates will display the international handicapped symbol followed by up to four (4) letters, numbers, and spaces (no half spaces) in the personalized message.

~~(4-2-08)~~(7-1-08)T

02. Issue of Personalized Plates. Personalized plates can be issued only to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to:

(1-3-92)

a. Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate;

(1-3-92)

b. Vehicles for which the designators "PRP" are required to be printed on the plate to identify the use;
and

(4-2-08)

c. Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers.

(4-2-08)

03. Specific Requests. Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, or fax transmission time will prevail. If the postmarks are the same, the date stamped upon arrival at the Department will prevail. Applications submitted at county assessors' offices will not be considered valid until stamped in by the Department. Telephone requests will not be accepted.

(4-2-08)

04. Lack of Current Plates. When an applicant for personalized plates does not have current regular number plates:

(1-3-92)

a. The Department may issue a thirty (30) day temporary registration to allow time for the billing process for personalized plates. The fee for each thirty (30) day temporary registration shall be as required by Section 49-523, Idaho Code.

(4-2-08)

b. The Department may, upon payment of all required fees, issue a temporary registration document as provided in Section 012 of these rules.

(4-2-08)

05. Credits. When personalized plates are issued before an applicant's current registration is expired, credit will be given for unexpired registration fees only.

(1-3-92)

06. Renewing Plates. The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, the plate fee will be charged in addition to all other fees that are due. New plates must be purchased every seven (7) years as provided in Section 49-443, Idaho Code.

(4-2-08)

07. Transfer of Plates. When personalized plates are issued, the vehicle's regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled.

(1-3-92)

08. Acceptability of Plates Message. Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: (1-3-92)

a. The combination of numbers and letters requested or combinations of same may not duplicate an existing combination in use. (1-3-92)

b. The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of: obscenity; contempt; prejudice; hostility; insult; racial degradation; ethnical degradation; profanity; or refers to bodily functions, bodily fluids, or intimate body parts; or vulgarity as defined in dictionaries of general use, including, but not limited to, Webster's Unabridged Dictionary and the Harper & Row New Dictionary of American Slang. (~~4-2-08~~)(7-1-08)T

c. The criteria in Paragraph 202.08.b. of these rules is not to be considered an exhaustive list. A compilation of offensive or obscene words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. (4-2-08)

d. When a complaint is received from the public concerning an issued plate, the name of the caller will not be recorded nor, if known, revealed. (1-3-92)

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. The determination process shall include a first review by technical staff, followed by a second review by supervisory and management staff. An applicant does, however, have a right to a hearing on the decision. (4-2-08)

09. Message Preferences. Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail. (4-2-08)

10. Recalled Plates. Personalized plates may be recalled by the Department for the following reasons: (1-3-92)

a. Error in manufacturing; or (1-3-92)

b. Clerical error. (1-3-92)

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. of these rules. (4-2-08)

11. Unexpired Fees. If a set of personalized plates is recalled, the personalized plate program fee, unexpired portion of the registration fee, E.M.S. fee, plate fee, (if plates are returned to the department), and all other applicable special plate fees, will be refunded or transferred to a new issue of personalized plates. (4-2-08)

12. Expired Plates. Personalized plates that are allowed to expire shall become immediately available for reissue to another applicant. There is no grace period. (1-3-92)